

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
MAY 25, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Chan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council approved the minutes for the Regular Meeting of March 2, 2010

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Precise Plan for Planned District P-2006-274 Located at 2400 and 2450 Durham Road**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council adopted Ordinance No. 9-2010.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

2.4 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City Council of the City of Fremont Amending the Fremont Municipal Code by Adding a New Article 10, Title IV, Chapter 2 (Solid Waste Recyclables, and Yard Waste Management) to Prohibit the Use of Expanded Polystyrene Disposable Food Service Ware and to Require the Use of Recyclable or Compostable Food Service Ware within City Limits

Mayor Wasserman opened the item for public comment. Jeff Wald expressed opposition to the proposed ordinance. There were no other speakers. Mayor Wasserman closed public comment.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council adopted Ordinance No. 10-2010.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

(This item removed from Consent Calendar)

*** 2.5 Mayor Wasserman opened consideration to Approve a Joint Powers Agreement with Newark Unified School District (NUSD) for the Provision of Mental Health Services**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council authorized the City Manager or designee to execute a joint powers agreement with Newark Unified School District for the provision of mental health services.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration to Authorize the City Manager to Enter into a 50-year Agreement with the East Bay Regional Park District for the Ongoing Maintenance and Operation of Ardenwood Historic Farm**

*Consent Items

Staff responded to questions from Councilmembers.

On a motion by Councilmember Natarajan, seconded by Councilmember Wieckowski, the City Council authorized the City Manager or designee to enter into a 50-year agreement with a forty-nine year option to extend, with the East Bay Regional Park District for the ongoing maintenance and operation of Ardenwood Historic Farm subject to the change coming back to Council as a mutual agreement for the option in 50 years.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

This item was removed from the Consent Calendar.

*** 2.7 Mayor Wasserman opened consideration to Adopt a Resolution to Assign the City of Fremont's Recovery Zone Facility Bond Allocation to the Dale Hardware Expansion Project**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council adopted Resolution No. 2010-32 to assign the City's \$4,456,000 Recovery Zone Facility Bond allocation to bonds to be issued to finance the construction of a 56,000 square foot expansion of an existing hardware and building supply facility owned and operated by Dale Hardware, Inc. within Fremont.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan and Chan
Noes:	None
Absent:	None
Abstain:	Councilmember Harrison due to a conflict of interest related to a business relationship with Dale Hardware

*** 2.8 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract in the Amount of \$165,230.76 to the Lowest Responsible Bidder for the Family Resource Center Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC)**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Approved the Plans and Specifications for the Family Resource Center Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC).
2. Waived minor bid irregularity and accepted the bid and awarded the construction contract for the Family Resource Center Parking Lot and Site Accessibility Improvements Project, City Project No. 8716 (PWC) to Bay Cities Paving and Grading, Inc., in the amount of \$165,230.76 and authorized the City Manager or his designee to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.9 Mayor Wasserman opened consideration to Award Contracts for Utility Location Services to Bess Testlab, Inc., and EXARO Technologies Corporation**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Authorized the City Manager or his designee to execute master service agreements with Bess Testlabs, Inc., and EXARO Technologies Corporation for on-call utility location services in an amount not-to-exceed \$75,000 per year for three years, with the option of renewing each agreement for two additional one-year periods with an amount not-to-exceed \$50,000 per additional one year period.
2. Authorized the City Manager or his designee to exercise the option to renew each agreement, at an appropriate time, for two additional one-year terms with an amount not to exceed \$50,000 per year, provided the City Manager or his designee determines that the contractor has been responsive to the City's needs and the quality of work has been satisfactory.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.10 Mayor Wasserman opened consideration of Authorization for the City Manager to Sign FY 2009/10 Memoranda of Understanding with Alameda County Health Care Services Agency for Medi-Cal Targeted Case Management Program**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council authorized the City Manager or designee to sign Memoranda of Understanding to enable the City to receive reimbursement for family case management and senior case management services provided to Medi-Cal eligible clients as part of the FY 2009/10 Targeted Case Management program.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

2.11 Mayor Wasserman opened consideration to adopt a Resolution to Support the California Emerging Technology Fund “Get Connected!” Public Awareness and Education Program for Accelerating the Deployment of the Internet/Broadband

Sunne Wright McPeak (President and CEO of the California Emerging Technology Fund) expressed her appreciation to the Council for supporting “Get Connected!” program.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council adopted Resolution No. 2010-33 supporting the “Get Connected!” Public Awareness and Education Program that educates low-income families and people with disabilities on how to improve quality of life through the effective and secure use of the Internet and broadband technologies and encouraging residents to take advantage of any such programs.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

This item removed from Consent Calendar.

3. CEREMONIAL ITEMS

3.1 Proclamation: Declaring May 22, 2010 as Harvey Milk Day

Mayor Wasserman opened the item for public comment. Beth Hoffman (Vice Chair of the Human Relations Commission), Dan Ashbrook (Director of Lavendar Seniors), Reverend Jeffrey Spencer (Niles Congregational Church), Raj Salwan, and Anish Dave (Human Relations Commission) expressed appreciation to Council for recognizing this day and issuing a proclamation.

3.2 Resolution: Honoring Lieutenant Mark Riggs for Twenty Five Years of Service

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Ronald Nasmyth congratulated the City for Tesla reopening NUMMI and made suggestions for high-speed rail to manufacture cars at the former NUMMI site.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Fremont Municipal Code Pertaining to the Planting, Pruning, and Removal of Street Trees and Landowner Responsibility and Liability for Street Tree and Sidewalk Safety and Maintenance

Mayor Wasserman opened the item for public comment. David Scandling (Parkgate Homeowners Association), Linda Lasovich, Scott Ashley, and Linda Ross expressed concern related to impacts the adoption of this ordinance will have on property owners. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council conducted second reading and adopted Ordinance No. 11-2010

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council directed staff to expand the definitions to include nuisance trees that provide for safety issues and serious maintenance issues for property owners and to return to Council for with this information for discussion.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 8:10 p.m.

Attest:

Approved:

Susan Gauthier, Deputy City Clerk

BOB WASSERMAN, Mayor